

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PAUL GUILIANO,

Plaintiff,

v.

**WELLPATH MED. PROVIDER
AND STAFF,**

Defendants.

Case No. 1:23-CV-361

MEMORANDUM ORDER

This action was received by the Clerk of Court on December 20, 2023. The matter was assigned and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On August 30, 2024, Judge Lanzillo issued a Report and Recommendation recommending that the case be dismissed due to Plaintiff's failure to prosecute. ECF No. 7. Despite being given the opportunity to do so, Plaintiff has not filed any objection to the Report and Recommendation.

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2). A district court is not required to make any separate findings or conclusions when reviewing a recommendation de novo under 28 U.S.C. § 636. *See Hill v. Barnacle*, 655 Fed. App'x 142, 148 (3d Cir. 2016) ("District courts are not required to make any separate findings or conclusions when reviewing a Magistrate Judge's recommendation de novo

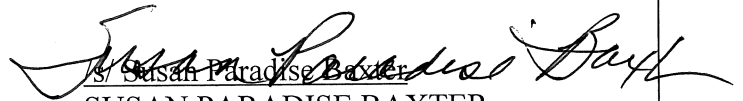
under 28 U.S.C. § 636(b). We presume that the District Court engaged in the required *de novo* review absent some indication to the contrary. There is no such indication here because the District Court noted Hill's objections and stated that it reviewed the record independently.") (internal citation omitted).

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 1st day of October 2024;

IT IS ORDERED that this case is dismissed due to Plaintiff's failure to prosecute.

AND, IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on August 30, 2024 [ECF No. 7] is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge